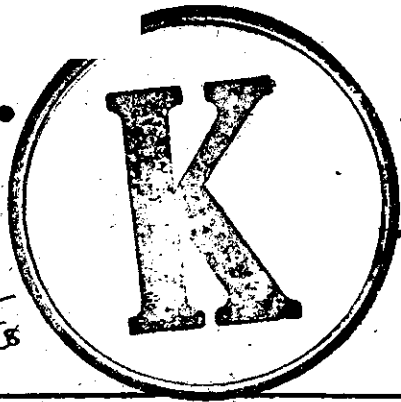


O. / Limitation | 53

1953.



File No. 72 | 53

Legal Dept.

G. BRANCH

Subject:— Opinion on the Indian

Limitation Act.

O. / Limitation | 53

File No.

72 | 53

Gen. 194 a

72 | 53

CONTENTS.

Legal Department File No. O. Limitation/53 (G.Br).

Sr.No.	R.I./O.No.	Subject	Pages.
		Opinions under the Indian Limitation Act.	
1)	O.No.6-368/26-E-53.	Whether the claim of the trustees for Electric charges in respect of a building rented to Govt. is time-barred.	1-6
2)	O.No.9-792/24-12-53.	Whether the period of limitation for payment due to Govt. under the pre-note would be 60 years and if so, whether delay in payment of interest would affect the said period in any-way.	7-10

It appears that the trustees of the building continued to pay electricity charges in respect of the two points used by the Rationing Office till 1949 when on 17th November 1949 they brought the mistake to the notice of the Controller of Rationing. The period of limitation if the trustees propose to file a suit against Government for recovering the amount would, it appears, be governed by article 61 in the First Schedule to the Limitation Act read with article 96; and under the latter it will have to be counted from the date the mistake became known to the trustees. As the trustees first came to know about the mistake in 1949, their claim would ordinarily have been time-barred. But by his letter dated the 25th May 1951 (p. 43 ante) the Controller of Rationing requires of the Hon. Secretary of the Wade whether he was agreeable to accept payment at Rs. 2/- per month for the consumption of electricity. This letter is signed by some officer for the Controller of Rationing, Bombay. It is not known whether the letter would be deemed to have been signed by an agent duly authorized in that behalf under Explanation II to section 19 of the Limitation Act. Even assuming that the letter amounts to an acknowledgement under section 19, Government would not be liable to pay at a rate more than Rs. 2/- per month for the period.

In his opinion No. 561, dated the 13th November 1951 R.L.A. opined that "it is unusual for Government to raise a technical objection to a rightful claim otherwise good on merits." It is for the administrative Department to decide whether Government should pay the whole claim or part thereof admitted in the letter dated the 25th May 1951.

Remembrance of Legal Affairs.

o/c 3d/-

26/5

Remembrancer of Legal Affairs.

U.R. to C.S.D., No. G- 308,

dated the 26th May 1953.

1-8-56- C.5 C.G.R.

2. The facts of this case are as follows:-

Shri Bhavanrao Shriniwasrao Pant Pratinidhi, Late Rajashab of Aundh executed a pro-note in favour of the State of Bombay as represented by the Collector of Satara North against an advance of Rs. 35,000/- drawn by him from the Civil Supplies fund of the former Aundh State. The estate of the late Pant Pratinidhi has been taken over for management by the Collector and the Court of Wards, Poona. The Collector of Satara North has submitted a claim for the amount due under the pro-note. The Collector's claim has been admitted by the Collector and the Court of wards, Poona, who has promised to pay interest from the present, pending Govt. orders to sell some property for liquidating the debt. However, no payment has so far been received from him against the pro-note. The Dy. of C.S. (A/c) has therefore, requested the R.L.A. to advise whether the period of limitation for payment of the amount due to Govt. under pro-note would be 60 years and if so, whether delay in payment of interest would affect the said period in any way.

Office of the R.L.A.

Under article 149 of the Indian Limitation Act, the period of limitation in this case will be 60 years and delay in the payment of interest will not affect that period in any way.

o/e Sd/- P.M.L.

Remembrancer of Legal Affairs.

U.R. to F.A. and Addl. Secy, C.S.D., no. 792, dated the 24th December 1953.

C.G.R./1-8 /C 5

Sd/-
6/8

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